

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
RYLAND B. RICE,	)	Chapter 13
	)	Case Number 20-60788
	)	
<u>Debtor.</u>	)	
	)	
JOHN P. FITZGERALD, III,	)	
Acting United States Trustee For Region Four,	)	
	)	
Movant,	)	
	)	
v.	)	
	)	
	)	
REGINALD R. YANCEY,	)	
	)	
<u>Respondent.</u>	)	

**JOINT MOTION TO APPROVE A SETTLEMENT**

Comes now John P. Fitzgerald, III, Acting United States Trustee for Region Four (the “**United States Trustee**”), by counsel, and Reginald R. Yancey (“**Attorney**”), by counsel, and move the Court pursuant to 11 U.S.C. §§ 105 and 329 and the Court’s inherent authority to approve a settlement of the matters raised in the motion to review fees filed in this case [Docket No. 27] (the “**329 Motion**”), the amended motion for sanctions filed in case number 20-60947 [Docket No. 87] (the “**9011 Motion**”), the adversary proceeding designated by case number 22-06009 (collectively, the adversary proceeding and the contested matters commenced by the 9011 Motion and the 329 Motion are the “**Litigation**”).<sup>1</sup> In support of this motion, the parties represent as follows:

---

<sup>1</sup> Unless otherwise defined, words and phrases have the meanings given to them in title 11 of the United States Code.

1. On April 26, 2022, the United States Trustee filed the complaint commencing adversary proceeding case number 22-06009 and the 329 Motion. On May 31, 2022, the United States Trustee filed the 9011 Motion. Attorney contests the Litigation and does not concede the facts support the relief requested in the Litigation. The matters have been consolidated for trial on January 17, 2023, and January 18, 2023.

2. The scheduling order entered in this adversary proceeding directed the parties to hold at least one settlement conference.

3. Prior to the commencement of the Litigation, the United States Trustee subpoenaed documents from certain entities and conducted several examinations pursuant to Fed. R. Bankr. P. 2004. Since the commencement of the Litigation, the United States Trustee has conducted substantial discovery. Attorney has likewise been preparing for trial and to contest the matters raised in the Litigation. However, Attorney has recently had certain health set-backs and, in light of those issues and considering his age, has decided to retire.

4. The parties held a settlement conference on October 17, 2022, and, subsequently, reached a proposed global settlement of the matters raised in the Litigation. The parties request the Court to enter the proposed orders attached as Exhibits 1, 2, and 3 in the respective cases. Contemporaneous with the filing of this motion, joint motions to approve the settlement are being filed in case number 20-60947 and adversary proceeding case number 22-06009. If the settlement is approved, Reginald R. Yancey (“Attorney”) shall resign from the bar of this Court effective March 31, 2023, pursuant to and bound by the terms and conditions of the resignation agreement provided to the United States Trustee. Further, Attorney shall return \$1,000.00 to Ryland B. Rice, \$16,800.00 to Rice Timber and Land Solutions LLC care of Richard C. Maxwell, and \$7,200.00

to the estate of Rice Timber Solutions, L.L.C. care of Hannah W. Hutman, chapter 7 trustee for Rice Timber Solutions, L.L.C.

5. Cause exists to approve the proposed settlement and enter the proposed orders attached as Exhibits 1, 2, and 3 in the respective cases.

6. Approval of the proposed orders will allow the parties to avoid potentially time-intensive and costly litigation and reflects the parties' acknowledgment of the time, expense, and uncertainty of continuing the Litigation.

7. The approval of the settlement also promotes judicial economy. Approval will reduce additional litigation that might otherwise be commenced by the United States Trustee.

8. Finally, the settlement embodied by the proposed orders is not meant by Attorney to constitute an admission of wrongdoing or liability, but rather is the product of arms' length negotiations that have taken place after many months of pre-Litigation discovery and post-Litigation discovery.

WHEREFORE, the United States Trustee, by counsel, and Attorney, by counsel, respectfully request the entry of the proposed order attached as Exhibit 2, and of the entry of the proposed orders attached as Exhibits 1 and 3 in adversary proceeding case number 22-06009 and case number 20-60947.

Date: November 1, 2022

Respectfully submitted,

United States Trustee

By: /s/ W. Joel Charboneau  
Trial Attorney for the United States Trustee

W. Joel Charboneau (VSB #68025)  
210 First Street, Suite 505  
Roanoke, Virginia 24011  
540-857-2699  
joel.charboneau@usdoj.gov

Reginald R. Yancy  
By: /s/ Andrew S. Goldstein

Andrew S. Goldstein, Esq.  
Post Office Box 404  
Roanoke, Virginia 24003  
540-343-9800  
agoldstein@mglspc.com  
Counsel for Reginald R. Yancey

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the parties have filed a *Joint Motion To Approve A Settlement* (the “Motion”). **Unless an order is entered prior to the hearing**, a hearing on the Motion will be held on **November 16, 2022, at 11:30 a.m.** in the United States Bankruptcy Court for the Western District of Virginia via Zoom video at <https://www.vawb-uscourts-gov.zoomgov.com/j/1603692643>; Meeting ID 160 369 2643.

**If you do not want the Court to grant the relief requested in the motion, then you must file a response not later than the days prior to the scheduled hearing and you must attend the hearing.**

**CERTIFICATE OF SERVICE**

I certify that on November 1, 2022, I caused the foregoing to be electronically filed with the United States Bankruptcy Court for the Western District of Virginia which should have caused electronic notifications of filing to be served on all registered users of the CM/ECF System that have appeared in this case. On this same date, I caused copies to be mailed by First Class mail to the entities on the attached Service List.

By: /s/ W. Joel Charboneau  
Trial Attorney for the United States Trustee

W. Joel Charboneau (VSB #68025)  
210 First Street, Suite 505  
Roanoke, Virginia 24011  
540-857-2699  
[joel.charboneau@usdoj.gov](mailto:joel.charboneau@usdoj.gov)

SERVICE LIST

Ally Financial  
Attn: Bankruptcy  
Po Box 380901  
Bloomington, MN 55438-0901

Amex/Bankruptcy Correspondence  
Po Box 981540  
El Paso, TX 79998-1540

Ann Shortt  
PO box 225  
Altavista, VA 24517-0225

Bank of America  
Attn: Bankruptcy  
4909 Savarese Circle  
Tampa, FL 33634-2413

FIRST NATIONAL BANK  
P O BOX 29  
ALTAVISTA VA 24517-0029

Caliber Home Loans  
Attn: Cash Operations  
Po Box 24330  
Oklahoma City, OK 73124-0330

Campbell County Treasurer  
Attn: Robin F. Jefferson, Treasurer  
P.O. Box 37  
Rustburg, VA 24588-0037

Capital One  
PO box 71083  
Charlotte, NC 28272-1083

Capital One Bank (USA), N.A.  
c/p American InfoSource  
PO Box 71083  
Charlotte, NC 28272-1083

Carter Machinery Company Inc  
PO box 751053  
Charlotte, NC 28275-1053

Citi/Sears Citibank/Centralized Bankruptcy  
Po Box 790034  
St Louis, MO 63179-0034

Citibank Centralized Bk dept  
Po Box 790034  
St Louis, MO 63179-0034

Citizens Bank  
126 S Main St  
Blackstone, VA 23824-1842

Comenity Bank/Pier 1  
Attn: Bankruptcy  
Po Box 182125  
Columbus, OH 43218-2125

Complete Payment Recovery Services  
PO box 30184  
Tampa, FL 33630-3184

Conserve  
Po box 6320  
Aurora, IL 60598-0320

Creditor Service Agency  
2600 Memorial Avenue Suite 206  
Lynchburg, VA 24501-2658

Dale Phillips  
152 Oak Ridge Drive  
Altavista, VA 24517-2215

Firstpoint Collection Resources  
PO box 26140  
Greensboro, NC 27402-6140

GLASSER AND GLASSER P L C  
P O BOX 3400  
NORFOLK VA 23514-3400

Green Capital Funding  
116 Nassau Street Suite 804  
New York, NY 10038-2481

Hawkins Graves Inc  
PO box 11675  
Lynchburg, VA 24506-1675

Mark K. Ames  
PO Box 2156  
Richmond, VA 23218-2156

Helen Barbour  
RT. 141  
Camp Branch Road  
Gretna, VA 24557

Rice R.O.W., LLC  
Attn: Ryland F. Rice, Member/Manager  
311 Chapel Grove Road  
Evington, VA 24550-2297

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY  
OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Rice Timber Solutions, LLC  
Ryland B. Rice, Member/Manager  
732 Chapel Grove Road  
Evington, VA 24550-2076

J B Heavy Equipment Repair Inc  
1189 Piney Road  
Gretna, VA 24557-2581

Rushmore Loan Mgmt Srvc  
Attn: Bankruptcy  
Po Box 55004Irvine, CA 92619-5004

James River Equipment  
PO Box 745382  
Atlanta, GA 30374-5382

Executor for Ryland F. Rice  
311 Chapel Grove Road  
Evington, VA 24550-2297

Jenna Hurd  
131 Teaberry Loop  
Boones Mill, VA 24065-4968

Sterling Jewelers, Inc.  
Attn: Bankruptcy  
Po Box 1799Akron, OH 44309-1799

Kathy L. Rice  
5814 Sierra Drive  
Roanoke, VA 24012-1114

Synchrony Bank  
Attn: Bankruptcy  
Po Box 965060  
Orlando, FL 32896-5060

Knight Capital Funding  
9 East Loockerman St  
Ste 202-543  
Dover, DE 19901-8306

Synchrony Bank/ Old Navy  
Attn: Bankruptcy  
Po Box 965060  
Orlando, FL 32896-5060

Lawrence Equipment Inc  
1020 Lee Hwy  
Roanoke, VA 24019-8570

UMB BANK, NATIONAL ASSOCIATION  
c/o Samuel I. White, P.C.  
1804 Staples Mill Road  
Suite 200  
Richmond, VA 23230-3530

DSNB MACY SCITIBANK  
1000 TECHNOLOGY DRIVE  
MS 777O  
FALLON MO 63368-2222

VA Department of Taxation  
Bankruptcy Department  
P O Box 2156  
Richmond, VA 23218-2156

VA Div. OF Child Support Enforcement  
BANKRUPTCY UNIT  
2001 Maywill Street STE 200  
Richmond, VA 23230-3236

Wells Fargo Bank NA  
Attn: Bankruptcy  
1 Home Campus Mac X2303-01a  
Des Moines, IA 50328-0001

William C Maxwell Esquire  
OPN Law  
PO box 279  
Salem, VA 24153-0279

World Business Lenders  
101 Hudson Street 33rd Floor  
Jersey City, NJ 07302-3905

Herbert L Beskin  
Chapter 13 Trustee  
123 East Main St., Ste. 310  
Charlottesville, VA 22902-6800

Ryland B Rice  
732 Chapel Grove Road  
Evington, VA 24550-2076

Ryland B. Rice  
Post Office Box 309  
Evington, VA 24550



**EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
RICE TIMBER SOLUTIONS, L.L.C.,	)	Chapter 7
	)	Case Number 20-60947
Debtor.	)	
	)	
JOHN P. FITZGERALD, III,	)	
Acting United States Trustee For Region Four,	)	
	)	
Plaintiff,	)	
	)	Adversary Proceeding
v.	)	Case No. 22-06009
	)	
	)	
REGINALD R. YANCEY,	)	
	)	
Defendant.	)	

**ORDER APPROVING SETTLEMENT**

The matter before the Court is the *Joint Motion To Approve A Settlement* filed on behalf of John P. Fitzgerald, III, Acting United States Trustee for Region Four (the “**United States Trustee**”) and Reginald R. Yancey (“**Attorney**”). Since the filing of the complaint commencing this adversary proceeding as well filing of the amended motion for sanctions filed in case number

20-60947 [Docket No. 87] (the “**9011 Motion**”) and the motion to review fees filed in case number 20-60788 [Docket No. 27] (the “**329 Motion**”) (collectively, this adversary proceeding and the contested matters commenced by the 9011 Motion and the 329 Motion are the “**Litigation**”), which Litigation is contested and which has been consolidated for trial, the United States Trustee and Attorney have engaged in settlement negotiations. The parties have reached an agreement that, via the entry of this Order and the entry of orders in case numbers 20-60788 and 20-60947, resolves the matters raised in the Litigation.

NOW THEREFORE, Attorney stipulates to the Court that upon considering the Litigation and its allegations, and further upon considering his health and the advice of his medical professionals,:

A. Attorney has knowingly and voluntarily entered into the resignation agreement (the “**Resignation Agreement**”) provided to the United States Trustee, and the terms of which were presented to the Court at the hearing on the *Joint Motion To Approve A Settlement* [Docket No. 31];

B. Attorney agrees to be bound by the terms and conditions set forth in the Resignation Agreement; and

C. Attorney has provided \$24,000.00 to his counsel to comply with the provisions of paragraph 3 of this Order.

Having reviewed the pleadings and considered the foregoing and otherwise finding it proper to do so, it is

**ORDERED**

that:

1. The *Joint Motion To Approve A Settlement* [Docket No. 31] is GRANTED;

2. The Resignation Agreement is approved and each and every term and condition set forth in the Resignation Agreement are effective and fully enforceable and are so ordered as if set forth herein;

3. Effective March 31, 2023, Attorney shall no longer be a member of the bar of this Court and the Clerk is directed to suspend Attorney's electronic case filing password on March 31, 2023;

4. Pursuant to 11 U.S.C. §§ 105 and 329 and consistent with the *Order Granting Authority To Accept A Settlement Pursuant To Federal Rule Of Bankruptcy Procedure 9019(A)* [Case No. 20-60947, Docket No. 102], by no later than the 14<sup>th</sup> day from the entry of this Order, Attorney's counsel shall pay \$16,800.00 to Rice Timber and Land Solutions LLC care of Richard C. Maxwell and \$7,200.00 to the estate of Rice Timber Solutions, L.L.C. care of Hannah W. Hutman, chapter 7 trustee;

5. Within 21 days from the entry of this Order, Attorney's counsel shall file a declaration with the Court certifying his compliance with paragraph 3 of this Order;

6. This Court shall retain jurisdiction over the settlement and all matters in this Order, including disputes arising under, and the construction, interpretation, modification, and enforcement of this Order and the stipulations and agreements approved by this Order; and

7. Closure of the adversary proceeding shall not excuse compliance with the terms of this Order and the parties may seek to reopen the underlying case or the adversary proceeding to enforce or otherwise seek relief under the Order.

\*\*\* END OF ORDER \*\*\*

REQUESTED:

United States Trustee

By: /s/ W. Joel Charboneau

W. Joel Charboneau, Esq. (VSB #68025)

210 First St., S.W., Suite 505

Roanoke, VA 24011

540-798-8323

joel.charboneau@usdoj.gov

Trial Attorney for the United States Trustee

SEEN AND AGREED:

Reginald R. Yancey

By: /s/ Andrew S. Goldstein (by W. Joel Charboneau with permission)

Andrew S. Goldstein, Esq.

Post Office Box 404

Roanoke, Virginia 24003

540-343-9800

agoldstein@mglspc.com

Counsel for Reginald R. Yancey

**EXHIBIT 2**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
RYLAND B. RICE,	)	Chapter 13
	)	Case Number 20-60788
	)	
Debtor.	)	
	)	
JOHN P. FITZGERALD, III,	)	
Acting United States Trustee For Region Four,	)	
	)	
Movant,	)	
	)	
v.	)	
	)	
	)	
REGINALD R. YANCEY,	)	
	)	
Respondent.	)	

**CONSENT ORDER RESOLVING MOTION TO REVIEW FEES**

The matter before the Court is the *Joint Motion To Approve A Settlement* relating to the *Motion To Review Fees* [Docket No. 27] (the “Motion”) filed on behalf of John P. Fitzgerald, III, Acting United States Trustee for Region Four (the “United States Trustee”) and the response [Docket No. 38] (the “Response”) filed on behalf of Reginald R. Yancey (“Attorney”). With the consent of the parties, the Court finds that:

- Jurisdiction is proper pursuant to 28 U.S.C. §§ 157 and 1334. The statutory predicates for this motion are §§ 105(a), 329(a), and 329(b) of the Bankruptcy Code.
- Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
- This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
- On May 13, 2020, the above-captioned Debtor entered into an engagement agreement with Attorney (the “Engagement Agreement”).
- On May 13, 2020, the Debtor paid \$3,000.00 to Attorney.
- On May 13, 2020, Attorney filed a petition for the Debtor and paid the bankruptcy case filing fee.
- On June 9, 2020, Attorney filed schedules and statements for the Debtor, a chapter 13 plan, and Official Form 2030 in which he certified that he had agreed to accept \$4,000.00 to represent the Debtor.
- On June 30, 2020, Attorney filed a motion to dismiss the case because the Debtor’s debts exceeded the debt limits set forth in 11 U.S.C. § 109(e).
- On July 1, 2020, the Court entered an order dismissing the Debtor’s case.
- On April 26, 2022, the United States Trustee filed a motion to reopen the case and the Motion. Also on April 26, 2022, the United States Trustee filed certain other pleadings seeking relief against Attorney. Prior to the filing of the pleadings on April 26, 2022, the United States Trustee subpoenaed documents from certain entities and conducted several examinations pursuant to Fed. R. Bankr. P. 2004. Since the filing of the pleadings on April 26, 2022, the United States Trustee has conducted substantial discovery.

- The parties have negotiated and, to avoid the burdens and uncertainty of litigation and further upon Attorney's consideration of his health and the advice of his medical professionals, and with Attorney not acknowledging liability or that the position set out by the United States Trustee was correct, the parties agreed to the entry of an order resolving the dispute over the fees paid in this case via entry of an order requiring Attorney to return \$1,000.00 to the Debtor.
- Attorney has provided his counsel with \$1,000.00 to be able to comply with the provisions of this Order.

Finding it appropriate to do so, it is

ORDERED

that:

1. within 7 days of entry of this Order, Attorney's counsel shall issue payment of \$1,000.00 to the Debtor by check mailed to the Debtor's last known address.
2. the Clerk shall not close the case until the earlier of: (i) Attorney's counsel files a verified certification that the Debtor has actually received the \$1,000.00, which certification shall be filed within 112 days from the entry of this Order; or (ii) Attorney's counsel, because more than 90 days have passed since issuance of the check and such check remains uncashed, pays the \$1,000.00 into the Court to be disposed of in accordance with 28 U.S.C. § 2041 *et seq.*
3. within 7 days of entry of this Order, Attorney's counsel shall mail a copy of this Order to the Debtor at the Debtor's last known address.

4. this Court shall retain exclusive jurisdiction over all matters in this Order, including disputes arising under, and the construction, interpretation, modification, and enforcement of this Order.

\*\*\* END OF ORDER \*\*\*

PRESENTED BY:

United States Trustee  
By: /s/ W. Joel Charboneau  
W. Joel Charboneau (VSB No. 68025)  
210 First Street, S.W., Suite 505  
Roanoke, Virginia 24011  
Telephone: (540) 798-8323  
joel.charboneau@usdoj.gov  
Trial Attorney for the United States Trustee

SEEN:  
Reginald R. Yancey  
By: /s/ Andrew S. Goldstein (by W. Joel Charboneau with permission)  
Andrew S. Goldstein, Esq.  
Post Office Box 404  
Roanoke, Virginia 24003  
540-343-9800  
agoldstein@mglspc.com  
Counsel for Reginald R. Yancey



**EXHIBIT 3**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
RICE TIMBER SOLUTIONS, L.L.C.,	)	Chapter 7
	)	Case Number 20-60947
	)	
<u>Debtor.</u>	)	
	)	
JOHN P. FITZGERALD, III,	)	
Acting United States Trustee For Region Four,	)	
	)	
Movant,	)	
	)	
v.	)	
	)	
	)	
REGINALD R. YANCEY,	)	
	)	
<u>Respondent.</u>	)	

**ORDER DISMISSING MOTION**

The matter before the Court is the *Joint Motion To Approve A Settlement* relating to the amended motion for sanctions [Docket No. 87] (the “Motion”) filed on behalf of John P. Fitzgerald, III, Acting United States Trustee for Region Four (the “United States Trustee”) and the response [Docket No. 103] (the “Response”) filed on behalf of Reginald R. Yancey (“Attorney”). With the consent of the parties, the Court finds that:

- Jurisdiction is proper pursuant to 28 U.S.C. §§ 157 and 1334. The statutory predicates for this motion are §§ 105(a), 329(a), and 329(b) of the Bankruptcy Code.
- Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
- This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
- On June 26, 2020, Attorney filed a petition for the Debtor and paid the bankruptcy case filing fee.
- On July 27, 2020 Attorney filed the balance of schedules [Docket No. 18].
- On April 26, 2022, the United States Trustee filed the Motion. Also on April 26, 2022, the United States Trustee filed certain other pleadings seeking relief against Attorney. Prior to the filing of the pleadings on April 26, 2022, the United States Trustee subpoenaed documents from certain entities and conducted several examinations pursuant to Fed. R. Bankr. P. 2004. Since the filing of the pleadings on April 26, 2022, the United States Trustee has conducted substantial discovery.
- The parties have negotiated and reached a global settlement of the matters raised in adversary proceeding 22-06009, the motion to review fees filed as Docket No. 27 in case 20-60788, and this Motion.
- Attorney acknowledges that he has no claims against the United States Trustee or any employees of the United States Trustee whether under the Equal Access to Justice Act or otherwise.
- The parties desire to dismiss the Motion pursuant to and as a part of the global settlement reached.

Finding it appropriate to do so, it is

ORDERED

that the Motion is DISMISSED.

\*\*\* END OF ORDER \*\*\*

PRESENTED BY:

United States Trustee  
By: /s/ W. Joel Charboneau  
W. Joel Charboneau (VSB No. 68025)  
210 First Street, S.W., Suite 505  
Roanoke, Virginia 24011  
Telephone: (540) 798-8323  
[joel.charboneau@usdoj.gov](mailto:joel.charboneau@usdoj.gov)  
Trial Attorney for the United States Trustee

SEEN:

Reginald R. Yancey  
By: /s/ Andrew S. Goldstein (by W. Joel Charboneau with permission)  
Andrew S. Goldstein, Esq.  
Post Office Box 404  
Roanoke, Virginia 24003  
540-343-9800  
[agoldstein@mglspc.com](mailto:agoldstein@mglspc.com)  
Counsel for Reginald R. Yancey